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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,049	09/19/2001	Kazuki Matsui	1405.1048	8501

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EXAMINER

FISCHETTI, JOSEPH A

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 10/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/955,049

Applicant(s)

MATSUI ET AL.

Examiner

Joseph A. Fischetti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 1 and 5-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Election/Restrictions***

Newly submitted claim 19 is directed to a correlation means e.g., an invention that is independent or distinct from the inventions/species previously elected by Applicant.

Since applicant has received an action on the merits for the elected claims, claim 19 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burge et al. in view of Vatanen.

Burge et al. disclose an information presentation device Fig.1 in which a user terminal on a network that retrieves products or services comprising:

accepting means (electronic shopping manager 84) for accepting a selection of a product or service that is included in said products or services that were retrieved based on the search parameters designated by the user (col. 5 line 56 row

data is collected by retrieving the specific products selected by the shopper) ; and parameter storage means (read as database 18) for storing said search parameters for the selected product or service as a candidate for purchase (col.7 lines 1-38...information regarding products and services retrieved from the merchant database 22 which information includes navigational inputs text and mouse clicks entered while navigating for a "selected product/service"; and user identification information that identifies said user terminal(user identifier (ID) col. 4 identifies user and is deemed the obvious variant of the an inputted ID.

Notwithstanding, Vatanen discloses tying an user profile to a unique identifying address of a terminal device to identify the user. It would be obvious to modify the Burge et al. to use the terminal ID of the user the motivation being the elimination of the sign-in step of Burger et al.

Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burge et al. in view of Vatanen as applied above and further in view of Welsh et al. Burge et al. in view of Vatanen disclose the invention as claimed as set forth above with respect to claim 2, but not with respect to the limitations of claims 3 and 4.

However, Welsh et al. does disclose does disclose user request accepting means for accepting user reference requests from first group of computer terminals on said network (predictive content system 700 and expert 1206 accepts by monitoring reference requests e.g. click stream decisions); Welsh et al. further disclose user

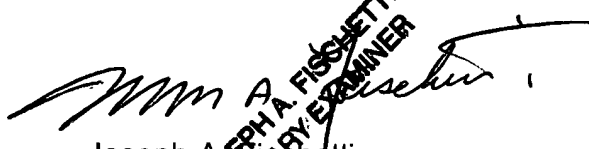
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reference request parameter providing means for extracting from said parameter storage means a first user identification information identifying said first user terminals that have selected a first product as a candidate for purchase that is provided by an administrator of a provider terminal included in said first computer terminals (PID associates a user with a subset of content categories, content manager matches content choices with the PID see col. 13), and search parameters that each of said first user terminals has set to said first product, and providing them to said provider terminal (based on this association, content system 700 presents a selection of content choices to the user col. 8, 62 et seq.) Welsh et al. further disclose information setting means (PID database 1104 col. 12 line 39) for receiving from said provider terminal the designation of user identification information included in said first user identification information provided to said provider terminal, and product information settings for said designated user identification information (PID obviously includes settings of product information in order to be mapped to see col. 8 line 52); product information storage means for storing said designated user identification information (read as the PIDI data base which also receives the PID data where I indexes a profile), and presentation means (read also as the content system 700 which presents a selection of content choices to the user) for receiving a purchase candidate reference request from a designated user terminal identified by said designated user identification information. Regarding the extracting device portion of claim 4, the identifier PIDI is referenced to a product information set and the user it reads on the extraction functions and these users identified by the suffix I are or can be presented as a group given the old and

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notorious use of a sorting function in computers. It would be obvious to modify the system of Burge et al. with the grouping feature of Welsh et al. as described above, the motivation being the ability to categorized groups of users or people who like a certain product for ease in mass marketing.

Any inquiry concerning this communication should be directed to Joseph A. Fischetti at telephone number 571 272 6780.

  
JOSEPH A. FISCHETTI  
PRIMARY EXAMINER  
Joseph A. Fischetti  
Primary Examiner  
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